IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4971 OF 2005

Jingonda Babgonda Patil : Petitioner
(Orig.Deft.No.1 in RCS
No.74 of 2004)

V/s.

Sou. Sonabai Dhondiba Desai & Ors. : Respondents
(1 Orig.Pltff.2 to 4 Orig.
Defts.Nos.2 to 4 in RCS
No.74 of 2002)

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Mr.G.S.Godbole for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

August 3, 2005.

P.C.:

1. The petitioner has challenged the order of the Addl. District Judge, Jaysingpur, dated 13.6.2005 dismissing his appeal against the order of injunction granted by the trial Court.

2. The respondents have filed a suit restraining the

petitioner from disturbing their possession over the suit land i.e. gat no.66. According to the learned counsel for the petitioner, the petitioner is entitled to possession of 40 ares of land purchased from the respondents-plaintiffs along with another 40 ares of land purchased from one Mrs.Kadambari Popalkar. The appellate Court has, however, confirmed the order of the trial Court granting injunction on the basis that the petitioner has accepted the fact that the plaintiffs' land lies towards East of the land purchased by the petitioner under sale deed in the year 1999. Undoubtedly, the petitioenr himself has accepted that the respondent no.1 owns the land which is to the East of the land purchased by the petitioner who is the defendant no.1. There is no error on the part of the Courts below in granting the injunction permitting the plaintiffs' possession over the land which is in their possession. In this view of the matter, there is no reason to interfere. Undoubtedly, the finding is at a prima facie stage. The suit would be decided on its own merits without being influenced by the interim order.

3. The petition is dismissed.

S.A. BOBDE, J.